

## REMARKS

This Amendment responds to the Office Action dated August 27, 2003. Claims 1-43 have been cancelled. New claims 44-93 have been added. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance. Reconsideration is respectfully requested.

### A. Claims 44-93

New claims 44-93 describe a dual mode mobile communication device that is capable of sending and receiving voice communications when operating in a voice communication mode and is also capable of sending and receiving data communications when operating in a data communication mode. The device includes two interfaces, a voice communication interface and a data communication interface. The voice communication interface includes a speaker, a display and a microphone, and is used for operating in the voice mode, e.g., by placing a phone call. The data communication interface includes the same display as the voice communication interface and also includes a full QWERTY-style keyboard for typing data into the device. The data communication mode is used for sending text messages, e.g., an email message. The voice and data communication interfaces are configured in a single, integrated device housing such that the speaker is positioned at the top of the device housing, the display is positioned below the speaker and the QWERTY keyboard and the microphone are positioned below the display. The device is operable in either the voice mode or the data mode without reorienting the device.

Figure 2 of this patent application, for example, shows an embodiment of the invention as described in claim 43. The device 10 shown in Figure 2 includes a single, integrated housing 10A. Configured within this single, integrated housing are a speaker 34, a display 22, a

QWERTY keyboard 32, and a microphone 36A (or 36B). The speaker 34 is positioned at the top of the device housing 10A, the display 22 is positioned below the speaker 34, and the QWERTY keyboard 32 and the microphone 36A (36B) are both positioned below the display. The device 10 can be operated in either voice or data modes without having to reorient (or otherwise rotate) the device housing.

The prior art cited by the Examiner in the Office Action does not disclose or suggest all of the limitations of claim 44, and therefore the claims are in condition for allowance. In fact, the prior art cited in the Office Action, including primarily Uchikura (US 5,337,346) and Siitonen (US 6,048,769), is merely cumulative of the state of the art described in the Background section of the present application.

In the Background section of this application applicants discussed a known mobile communication device referred to as the "clamshell." In the clamshell design, two hinged housing sections are physically moved with respect to one another in order to operate the device. In a closed position, the housing sections cover one or more of the display, keypad, speaker and microphone, such that one or more device functions cannot be used without first moving the device housing sections relative to each other to expose certain components. The clamshell design is not convenient for the user, who must continuously open and close the hinged sections in order to operate the device, but is also difficult to manufacture, and is prone to breakage at the hinge mechanism.

Both Uchikura and Siitonen describe such a "clamshell" design. See, for example, Figures 1 and 3 of Uchikura, where the device is used as a phone with the top portion (2) closed, and may be used as a data input device with the top portion (2) open. In fact, in the "summary of the invention" section of Uchikura, the invention is described as including: "a plurality of

telephone operation keys provided on an outer surface of an openable/closeable member; a case body to which said openable/closeable member is pivotally journaled; and a plurality of electronic notebook operation keys provided at a rear surface of said openable/closeable member..." (Uchikura, 2:13-20) Similarly, Siitonen also is limited to a "clamshell" device, as shown in Figures 2A/2B. In Figure 2A of Siitonen, the device is operable as a cell phone. In order to operate the device in a data entry mode, as shown in Figure 2B, the device must be opened via a centrally disposed hinge in order to reveal the keyboard 8B and display 3.

The invention described in claim 44 overcomes the problems with the "clamshell" design by providing a single, integrated device housing in which the voice and data communication interfaces are both positioned. As shown in Figure 2, by positioning the speaker, display, QWERTY keyboard and microphone in the single, integrated housing, the device can be used in both the voice and data modes of operation without having to open a hinge, or move one section of the device with respect to another section, or otherwise reorient the device. Neither Uchikura or Siitonen meets these limitations of the claim, and thus the claim is in condition for allowance.

The remaining claims (45-93) depend from claim 44 and thus are also allowable over Uchikura and Siitonen.

#### B. Priority Claim

The specification has been amended to delete the priority claim to applications 09/543,321; 29/108,876; 09/344,432; 09/106,585; and 29/089,942. This application does not claim priority under 35 USC § 120 to any earlier filed applications.

Respectfully submitted,

JONES DAY

A handwritten signature in black ink, reading "David B. Cochran". The signature is written in a cursive style with a long horizontal line extending to the right.

David B. Cochran  
(Reg. No. 39,142)

Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506